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PRIVATE BANK & TRUST COMPANY,
10 formerly known as and successor to Borel
Private Bank & Trust Company
11

12 UNITED STATES BANKRUPTCY COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 In re:
16 272 E. Santa Clara Grocery, LLC,
17 Debtor.

CASE NO. 13-53491

CHAPTER 11

**NOTICE OF HEARING ON SECURED
CREDITOR BOSTON PRIVATE BANK &
TRUST COMPANY'S MOTION FOR
TEMPORARY ALLOWANCE OF CLAIM
FOR VOTING PURPOSES PURSUANT TO
BANKRUPTCY RULE 3018**

Hearing:

Date: February 12, 2014
Time: 2:00 p.m.
Courtroom: 3099
Judge: Hon. Stephen L. Johnson

1 **TO THE HONORABLE STEPHEN L. JOHNSON, UNITED STATES BANKRUPTCY**
2 **COURT JUDGE, THE DEBTOR, THE OFFICE OF THE UNITED STATES TRUSTEE,**
3 **AND THOSE PARTIES THAT HAVE REQUESTED SPECIAL NOTICE:**

4 **PLEASE TAKE NOTICE that on February 12, 2014, at 2:00 p.m.,** or as soon
5 thereafter as the matter can be heard, in the courtroom of the Honorable Stephen L. Johnson,
6 Judge, United States Bankruptcy Court, 280 South First Street, Courtroom 3099, San Jose, CA
7 95113, secured creditor BOSTON PRIVATE BANK & TRUST COMPANY ("BPB"), formerly
8 known as and successor to Borel Private Bank & Trust Company, will and hereby does move this
9 Court for an order temporarily allowing its claim in the amount of \$141,158.16 *solely* to permit
10 BPB to vote in favor or against the plan of reorganization proposed by BPB or any competing
11 plan proposed by debtor 272 E. Santa Clara Grocery, LLC or any other party in interest (the
12 "Motion"). The Motion is brought under Rule 3018 of the Federal Rules of Bankruptcy
13 Procedure.

14 **PLEASE TAKE FURTHER NOTICE** that any objections to the Motion shall be in
15 writing and shall be filed and served not later than 14 days prior to the actual scheduled hearing
16 date of the Motion. Any reply shall be filed and served at least seven days prior to the actual
17 scheduled hearing date.

18 **PLEASE TAKE FURTHER NOTICE** that the Motion is supported by this Notice of
19 Motion, the Memorandum of Points and Authorities in Support of the Motion and the Declaration
20 of Randy Zuckerman filed concurrently herewith, all other pleadings on file in this case and other
21 pleadings and admissible evidence introduced at or prior to the hearing on the Motion.

22 Dated: January 10, 2014

HOPKINS & CARLEY
A Law Corporation

24 By: /s/ Stephen J. Kottmeier

25 Stephen J. Kottmeier
26 Jay M. Ross
27 Attorneys for Secured Creditor
BOSTON PRIVATE BANK & TRUST
COMPANY